

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAZZ PHARMACEUTICALS, INC.,

Plaintiff,

v.

AVADEL CNS PHARMACEUTICALS,
LLC,

Defendant.

C.A. No. 21-691-GBW

JAZZ PHARMACEUTICALS, INC., et al.,

Plaintiffs,

v.

AVADEL CNS PHARMACEUTICALS,
LLC,

Defendant.

C.A. No. 21-1138-GBW

JAZZ PHARMACEUTICALS, INC., et al.,

Plaintiffs,

v.

AVADEL CNS PHARMACEUTICALS,
LLC,

Defendant.

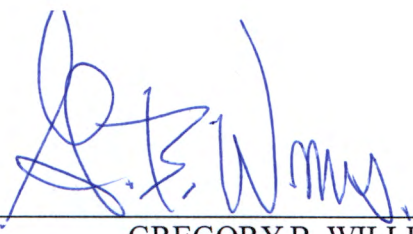
C.A. No. 21-1594-GBW

ORDER

At Wilmington this 18th day of November 2022:

For the reasons set forth in the Memorandum Opinion issued this day, IT IS HEREBY ORDERED that the Court construes the following claim terms of U.S. Patent Nos. 8,731,963 (“the ’963 patent”), 10,758,488 (“the ’488 patent”), 10,813,885 (“the ’885 patent”), 10,959,956 (“the ’956 patent”), 10,966,931 (“the ’931 patent”), 11,077,079 (“the ’079 patent”), and 11,147,782 (“the ’782 patent”) as follows:

<u>Claim Term</u>	<u>Court’s Construction</u>
Disputed Constructions	
“sustained release portion” (’488 patent; ’885 patent; ’956 patent; ’931 patent)	Plain and ordinary meaning, i.e., the portion of the formulation that is not immediate release and that releases over a period of time
“controlled release component” (’079 patent)	Compositions characterized by having at least one of the active components having a release over a period of at least about 2 to about 8 hours
“modified release particles” (’782 patent)	Plain and ordinary meaning, i.e., particles containing an active pharmaceutical ingredient with a release profile that is different from that of an immediate release particle
“whether the claimed ‘system’ includes methods of using the approved product” (’963 patent)	The claims are directed to systems and not to methods.
“[single]/[central] computer database” (’963 patent)	One and only one computer database
“reconcile inventory/reconciling inventory/cycle counted and reconciled” (’963 patent)	Checking whether there is a mismatch between the amount of a drug reported in physical inventory and the amount in the database
Agreed-Upon Construction	
“by about 4 to about 6 hours” (the ’488, ’885, ’956 and ’931 patents)	Plain and ordinary meaning, which is at any point prior to approximately 4 hours or at any point prior to approximately 6 hours



GREGORY B. WILLIAMS
UNITED STATES DISTRICT JUDGE